

31623

AMENDMENT NO. 2
LETTER OF AGREEMENT
BETWEEN
CITY OF LONG BEACH
AND

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

This Amendment No. 2 to Letter of Agreement (this "Amendment"), is dated as of October 30, 2015, by and between City of Long Beach ("Project Sponsor"), and the Los Angeles County Metropolitan Transportation Authority ("LACMTA").

RECITALS:

A. Project Sponsor and LACMTA entered into that certain Letter of Agreement No. LOA.P000F1649, dated January 25, 2010, which was amended on September 30, 2014 (as amended, the "Existing LOA"), which Existing LOA provides for the Willow Street Pedestrian Improvement, ("the Project"); and

B. Whereas, LACMTA Board on June 25, 2015, desires to extend the lapsing date of Funds programmed for Fiscal Year (FY) 2011-12 to June 30, 2016; and

C. Project Sponsor and LACMTA desire to amend the Existing LOA as provided herein.

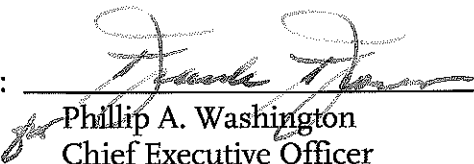
AGREEMENT:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby agree as follows:

1. Part II, Paragraph 6.1(ii) of the Existing LOA is hereby amended by deleting it in its entirety and replacing it with the following: "Funds programmed for FY2009-10 are no longer available. Funds programmed for FY 2011-12 are subject to lapse on June 30, 2016. Project Sponsor shall allocate or obligate these Funds by the lapsing date."
2. Part I, Paragraph 8 of Existing LOA is hereby amended to change LACMTA's project manager to Alice Tolar, mail stop 99-22-6.
3. Part I, paragraph 10, is hereby added to the Existing LOA as follows:
"10. LACMTA understands Project Sponsor is unable to complete the Project as originally scheduled and needs additional time to complete the Project beyond the current lapse date. LACMTA is willing to allow Project Sponsor one year to demonstrate that it has taken affirmative steps toward completing the Project within a reasonable timeframe. Therefore, Project Sponsor shall complete the following activities ("New Milestone") by the June 30, 2016: Complete Design. If Project Sponsor fails to complete the New Milestone by the applicable lapse date, LACMTA may determine that there is not sufficient progress being made and then LACMTA may consider the Project Lapsed and submit to the LACMTA Board for deobligations.
4. Except as expressly amended hereby, the Existing LOA remains in full force and effect as originally executed. All rights and obligations of the parties under the Existing LOA that are not expressly amended by this Amendment shall remain unchanged.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 2 to be duly executed and delivered as of the above date.

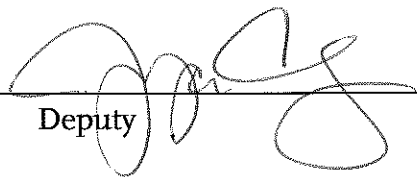
LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY

By: 
Phillip A. Washington
Chief Executive Officer

Date: 01/21/16


APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By: 
Deputy

Date: 11/24/15

CITY OF LONG BEACH

By: 
Patrick West Assistant City Manager
City Manager

Date: 12/23/15

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

APPROVED AS TO FORM:

By: _____
Linda Vu
Deputy City Attorney

Date: _____

APPROVED AS TO FORM

12-14, 2015

CHARLES PARKIN, City Attorney

By: 
AMY R. WEBBER
DEPUTY CITY ATTORNEY